

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

MINUTES OF A REGULAR MEETING
OF THE FACULTY SENATE HELD ON
JANUARY 16, 1981, IN LISNER HALL
ROOM 603

1 President Elliott called the meeting to order at 2:10 p.m.

Present: President Elliott, Provost Bright, Registrar Gebhartsbauer, Birnbaum, Burns, Chitwood, Claeysens, Fox, Gallagher, Griffith, Hawkins, Heddesheimer, Hill, Jones, Kelly, Liebowitz, Loeser, Mazzeo, Morgan, Packer, Pierpont, Reiss, Robinson, Schiff, H. Solomon, L. Solomon, Steiner, Toridis, and Ziolkowski

Absent: Parliamentarian Cheh, Barron, Chandler, Divita, Frey, Linton, Sapin, Walker, and Zenoff

The President asked for a moment of silence in tribute to the late Rupert Woodward, who had served the University for many years as University Librarian in a most satisfactory fashion. After a silent tribute, the President called upon Martha Bowman, Associate University Librarian, who made the following remarks:

Rupert C. Woodward became the University Librarian in 1967 and served for twelve years in this capacity before retiring in June of 1979. His career began with service as a librarian in Latin America prior to his affiliation with institutions of higher education. In 1954 he joined the staff of Louisiana State University where he remained until 1963. He then went to Texas A&M where he was the associate librarian until he came here. Rupert said he considered himself to have been very lucky to be in the right place at the right time, so that he was offered the directorship here at George Washington. I suspect luck played an insignificant role. Rupert had the ability, the experience and most importantly, the desire to build a library. At that time, GW was an institution preparing to construct a library building and to develop its collections and staff. We should be very grateful for the opportune union of Rupert's talents and the University's needs.

Those who worked with Rupert while he planned the new building and watched its construction say that they will never understand how he managed to devote those vast amounts of time, energy, and concern towards this endeavor -- but manage he did. And the result is an excellent facility which has served us well and will continue to do so for a long time.

Constructing the physical facility was an important part, but only a part, of what Rupert did to develop a good library. While he was librarian, the budget almost tripled and the size of the collection was greatly increased. Rupert took steps to insure the growth of a knowledgeable

and competent staff. Under his guidance, levels of service were raised and standardized.

Rupert also concerned himself with the larger library community of which we are a part. He was instrumental in establishing the Friends organization to benefit all three of the University's libraries, and he worked within the consortium to implement policies and procedures that increased interlibrary cooperation. Rupert was active in our local professional association and served as its president in 1972-73.

When Rupert undertook any job or task, one could rest assured that the work would be done and done well. When Rupert retired eighteen months ago, he left a job which had been done and done very well indeed. We owe him our gratitude for all the work and devotion which he put into the library's development as a central part of our campus.

Rupert will be remembered for his many fine qualities -- he was thorough, considerate, learned, and articulate; he was a tireless worker and a very loyal member of the GW community. Above all, he was a kind and thoughtful gentleman. His accomplishments will continue to be visible and continue to be felt for many years to come.

We are most fortunate that he was our University Librarian.

2 The minutes of the regular meeting of December 12, 1980, were approved as distributed.

3 (a) Professor Guido E. Mazzeo, on behalf of the Library Committee, moved the adoption of Resolution 80/20, "A Resolution of Appreciation to the Melvin Gelman Family," and the motion was seconded. Professor Mazzeo said he thought the resolution was self-explanatory, and he was particularly pleased to be able to present this resolution at this time because it reflected in large measure the efforts that Rupert Woodward had carried out in behalf of the Library, and he urged that it be adopted unanimously. The question was called and the resolution was adopted unanimously. [Resolution 80/20 attached.]

3 (b) On behalf of the Professional Ethics and Academic Freedom Committee, Professor Griffith moved the adoption of Resolution 80/21, "A Resolution to Amend the Faculty Code with Respect to Non-Tenure-Accruing Appointments," and the motion was seconded. Professor Griffith said that since the groundwork for this resolution and the one following, Resolution 80/22, had been reported earlier to the Senate, he would not elaborate on the argument. However, he thought it was important to keep in mind that amending the language of the Code on the floor was a difficult matter to deal with in a body of this size, as a change in one section might imply a change in another section. He said that the committee recognized that any resolutions the Senate or the University as a whole might propose would not be perfectly satisfactory because of the diversity of views. He noted that the two resolutions on the agenda formed the best resolutions the Professional Ethics and Academic Freedom Committee could come up with representing three years of work on the subject, and representing, in the committee's view, a reasonable compromise of the different kinds of interests and concerns which were at stake. Professor Hill said that he agreed with Professor Griffith that the Senate should not try to amend the language of the Code at this meeting, but if any changes were considered to be necessary that the resolution be sent back to the committee

with specific instructions. He asked Professor Griffith whether or not a decision could be made at the end of the first six years to continue a non-tenure accruing position but with a new incumbent. Professor Griffith responded that that was correct. The situation would then be that if there were not a possibility, even at the end of the next three years, of the position becoming a tenured one, the individual would have to be terminated; the difference, he said, would be that that individual could truthfully say that he or she had not been up for tenure and had not made it, but rather had been in a non-tenure slot position.

If the resolution were to be adopted, Professor Hill asked if those faculty who were hired prior to this change would have the option of continuing under the present policy of being reappointed an unlimited number of times. Professor Griffith replied that those individuals would be entitled to continue under the terms of their initial appointments. Professor Morgan asked for a clarification of Paragraph 3.d)1) which states: "By mutual agreement up to three years' full-time service with the rank of instructor or higher at another institution may be counted towards the seven-year period." Professor Griffith explained that it was simply a permissive clause which would permit the University to consider after a relatively short time whether a tenure appointment would be approved. Referring to the memorandum dated January 15, 1981, to the Faculty Senate from Professor James W. Hillis distributed at the meeting, Professor Morgan said that he thought the concern raised by Professor Hillis "about the possible effects that this resolution could have on the ability of graduate and professional programs within the University to interact with established research, professional, and cultural institutions in the Washington area" was a significant problem and that the amendment proposed by Professor Hillis appeared to effectively address that problem. [Professor Hillis' memorandum attached.] Professor Griffith said that the problem raised by Professor Hillis was not raised in committee and that the amending language Professor Hillis proposed might very well achieve the end he seeks; however, he said, this was the first time he saw the proposed amendment and he had not had a chance to do more than scan it and would recommend that his committee be given the opportunity to review Professor Hillis' amendment to make certain it worked with the rest of the Code language before the Senate took action on it. Professor Morgan moved that the Hillis amendment be referred to the Professional Ethics and Academic Freedom Committee before final action was taken on the resolution as a whole, and the motion was seconded.

Upon advice of Professor Lind, substituting for Parliamentarian Cheh, the President advised that adoption of the motion to recommit to the committee with instructions on this one item would automatically recommit the original motion with such further instructions, however, as the Senate might wish to give. Professor Griffith asked Professor Morgan if he would be willing to rephrase his motion to indicate that at the end of debate on the resolution this part would be returned for further consideration. Professor Morgan and the seconder agreed to withdraw the motion to refer.

Professor Packer inquired if, at the end of the six-year period a non-tenured position held by a faculty member was approved for a tenure slot, the University would be required to advertise that position as a new one. Professor Griffith responded that the committee had looked into that matter and the Assistant Provost for affirmative action informed him that that particular situation would be treated as a promotion of the individual involved and would not be treated as the creation of a new position. Professor Morgan said that if that was the

case, then the Senate ought to consider very carefully the potential effect of Paragraph 3.d)1) referred to earlier in the debate, as he foresaw the possibility of that being employed by a department to frustrate the system of college-wide consideration of the matter of non-tenure versus tenure slots. Professor Griffith replied that he did not consider that to be a loophole which would allow a department to circumvent the college-wide committee involved in the allocation of tenure slots. Professor Ziolkowski said he thought Paragraph 3.d)1) ought to be deleted as it served no real purpose. In terms of practical application, Professor Schiff asked what advantage the proposal had over the present system of indefinite reappointments in non-tenure-track positions. Professor Griffith said that it was the committee's argument that it was charged with trying to maintain in some way the professional status of the faculty as a whole, and while there may be some tradeoffs, the alternative that the faculty has to face is whether or not it prefers a system in which faculty are, in effect, hired as temporary employees and can be maintained permanently, and whether or not that situation is fully compatible with the notion of the faculty as the core of the University and having an essential function in carrying out the instructional programs.

Professor Robinson spoke against the resolution because she thought it emphasized rather than eliminated the distinction between first and second class faculty; secondly, that the flexibility of the University and the departments was already limited; and, thirdly, a department which was heavily tenured, particularly a young department, would lose its flexibility completely. Professor Griffith said that the proposal would strike at the present system of continuing people over long periods of time who have rather different statuses by forcing the University to make a decision within a reasonable period as to whether or not a non-tenure-track position would become a tenure-accruing position. Presently, he said, the risk of retrenchment the University faces is all assigned to one group -- there are those who are tenured and fully protected, those who are tenure-accruing and have a hope of attaining tenure, and those who don't have much chance. The proposal, at the very least, would invite the faculty and the administration to look at possible retrenchment in a somewhat different way rather than putting the entire burden on the junior faculty coming in. Professor Morgan said he thought the committee was primarily concerned with a generalized faculty interest, and the present situation had the tendency to encourage maintaining non-tenure status positions for as long as possible which he thought was contrary to the interests of the faculty generally, as well as the interests of particular individuals holding such positions as a general rule. He said that what the committee really was saying was that the University, i.e., the faculty, has a responsibility not simply to take the easy non-decision-making approach forever. At the end of six years, the position either became a tenure-accruing one or the person occupying it was replaced by some other person, and he thought that that kind of decision-making within a reasonable amount of time was highly desirable. Professor Hawkins said that he supported the intent of the resolution, but expressed his concern about the status of research staff who are deprived of faculty status and without the right of participation in important faculty decisions in the schools, and he recommended that research people be given faculty status. Professor Fox said that he was against the wording of Paragraph 3.d)3) unless it could be amended to permit both the person in the non-tenure-accruing position and the department, by mutual agreement, to continue on in that position because he didn't think it was right to boost a good person out of a position whom the department wished to retain simply because there was no tenure-track position at the time.

Further discussion followed by Dean Solomon, Professor Griffith, Dean Liebowitz, Dean Kelly, Dean Birnbaum, Professor Chitwood, Professor Morgan, Professor Hawkins, Provost Bright, and Professor Mazzeo. Professor Pierpont noted that there may be some individuals who may be happy with non-tenured status and he suggested that the individual at the end of six years might have the option to continue on or to request being converted to a probationary period of three years. Professor Fox said he intended to move to recommit. Professor Jones spoke against the resolution because he thought the system was so complicated that it could not be addressed satisfactorily and he found many inconsistencies in the resolution. Professor Griffith asked that the Senate not simply recommit this without specific instructions because the committee had formulated the best proposal that it could. Responding to Dean Kelly's suggestion that perhaps the Code should be changed to eliminate whatever difference exists between first and second class positions, Professor Morgan said that the difference between the two classes was obvious; the tenured faculty enjoyed the protection of academic freedom, - an important faculty right - while the non-tenured did not. Professor Schiff said that the key point that ought to be cleared up for the committee was whether there should or should not be some sort of time limitation on non-tenured faculty and he thought that the committee deserved the sentiment of the Senate on this particular issue. President Elliott asked Professor Griffith if he, on behalf of the committee, would like an indication by a straw vote on the sentiment of the Senate on the question Professor Schiff presented. Professor Griffith responded that if the Senate approved of the approach as a reasonable compromise, but thought that the time intervals were wrong, he would ask the Senate to do indicate its instructions. Professor Hill said that, inasmuch as he had not heard any arguments against the resolution which hadn't been fairly well rebutted by Professor Griffith, he would call the previous question. The previous question was called, the motion put, and Resolution 80/21 was defeated by a vote of 6 to 9. [Resolution 80/21 attached.]

3 (c) Professor Griffith, on behalf of the Professional Ethics and Academic Freedom Committee, asked that Resolution 80/22, "A Resolution to Amend the Procedures for Implementation of the Faculty Code," be withdrawn for reconsideration. Dean Birnbaum said that he thought the Senate had passed a resolution some years ago which embodied the intent of this resolution in that it asked the Senate to advise the administration on the total number of tenure slots in the University and by schools and, secondly, called for the establishment of a committee within each school to advise the dean of the distribution of the tenure slots by department. Professor Hill replied that this resolution would put that requirement in the Code. Professor Griffith said that the difference between this resolution and the prior one was that the Senate committee whose function it was to monitor the overall tenured slots eventually asked to be relieved of that task. The department committees, on the other hand, he said, do exist but in a somewhat nebulous state in that there was no strong sentiment that the faculty had to be consulted on the question of allocating tenure-accruing slots. The President asked if there were any objections to withdrawing Resolution 80/22. No objections were heard and the resolution was withdrawn. [Resolution 80/22 attached.]

4 Under Introduction of Resolutions, Professor Hill first asked that the memorializing statement respecting the late Robert Whitney Bolwell, Professor Emeritus of American Literature, submitted by Professor John Reesing, Chairman of the Department of English, be entered in the minutes. [Statement attached.] Professor Hill then introduced a draft resolution entitled, "A Resolution

Addressed to the Finance Committee of the United States Senate Asking That Committee to Exempt Book Publishers from the Application of the Supreme Court Ruling in the Case of the Thor Power Tool Company," for formal consideration by the Senate at its February 13th meeting at which time he would invite Monroe Hurwitz, Bookstore Manager, to speak to the members about the impact of the Supreme Court's ruling. [Draft resolution attached.]

5 (a) On behalf of the Executive Committee, Professor Hill moved the nomination of the following people for election to the Nominating Committee for the new Executive Committee (1981-82 Session): Professors Russell B. Stevenson, Jr., Convener (Law); Galip M. Arkilic (Engineering); John G. Boswell (Education); Richard A. Kenney (Medical); Frederick C. Kurtz (SGBA); Lilien F. Robinson (Columbian College); and Stefan O. Schiff (Columbian College). The motion was seconded. There were no nominations from the floor and the entire slate was elected unanimously.

(b) On behalf of the Executive Committee, Professor Hill moved the nomination of the following people to a Special Mediation Committee in the complaint of Associate Professor Nicholas Kyriakopoulos against the Personnel Committee of the Department of Electrical Engineering and Computer Science, SEAS; David B. Weaver, Professor of Law, Chairman; Elizabeth B. Adams, Professor of Management; and Henry C. Merchant, Associate Professor of Biology. No nominations were made from the floor and the nominees were elected unanimously.

(c) Under Report of the Executive Committee, Professor Hill said that at the Faculty Assembly meeting January 21st he would report on the progress the Senate has made in three areas; namely, on the efforts in the categories of faculty salary, the broadening of faculty fringe benefits, and the outcome of debate on non-tenure-accruing faculty. He would also summarize the finding of the Cibinic Committee Report on Faculty Salary and indicate the plans the Senate has based on a questionnaire now in circulation for implementing the committee's recommendation that "additional funds be made available for real merit increases in salary to deserving faculty." He also would preview the action the Senate hoped to take in its February meeting to enlarge the tuition benefits to legal dependents of faculty and staff who may opt to exercise that benefit for graduate rather than undergraduate education.

(d) No interim reports from Senate Standing Committees were made.

6 Under Brief Statements, Provost Bright remarked that the Chairman of the Executive Committee mentioned to him that he thought classes should be held on Inauguration Day. The Provost said that Professor Hill had a good point, but unfortunately it was impossible to get to this campus as was demonstrated four years ago on Inauguration Day. Professor Hill replied that he thought a national university should ignore such local phenomena and stay open.

7 Upon motion made and seconded, the President adjourned the meeting at 4:00 p.m.



Robert Gebhardtsbauer
Secretary

A RESOLUTION OF APPRECIATION TO THE MELVIN GELMAN FAMILY (80/20)

The Faculty Senate of The George Washington University, on motion of Professor Guido E. Mazzeo, Chairman, Committee on the Library, and on behalf of the entire faculty of the University, by this resolution expresses its profound appreciation for the vision and generosity of the late Melvin Gelman and of his family. By their endowment of the Melvin Gelman Library as a major center of research and teaching, they have provided the foundation for the University's ongoing commitment to the increase of knowledge and a deepening of understanding.

Library Committee
December 8, 1980

Adopted January 16, 1981

A RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO NON-TENURE-ACCRUING APPOINTMENTS (80/21)

WHEREAS, the provisions of the Faculty Code (1980) with respect to faculty appointments to regular service non-tenure-accruing positions inadequately protect the professional rights and status of faculty in those positions, and

WHEREAS, the continuation of sharply defined differences in status between regular service faculty members implies the likelihood of increasing problems of morale and collegiality to the detriment of the educational mission of the University; therefore:

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Faculty Code (1980) be amended by substituting in Article IV, Sec. A for the present Paragraphs 3.1-3.2 and 4.1-4.2 (pp.6-8), the following new Paragraphs 3 and 4:

[IV. Appointment, Reappointment, Tenure, and Promotion]

[A. Appointment and Tenure. . .]

3. Regular Service Appointments

[Cf. 3.2(a)] a) Letters of appointment to positions that will not normally lead to the consideration of the appointee for tenure shall include a statement to that effect.

[Cf. 3.1(a)] b) All appointments or reappointments to regular active status positions shall be for a specified term except for those that confer tenure.

c) In the case of tenure-accruing probationary appointments, the total of such terms, including . . . [continued as in 3.1.(b)]

- 1) Leaves of absence. . . [cont. as in 3.1.(b)(1)]
- 2) Leaves for study. . . [cont. as in 3.1.(b)(2)]
- 3) A faculty member with more. . . [cont. as in 3.1.(b)(3)]
- 4) A faculty member of the rank. . . [cont. as in 3.1.(c)]

[NEW] d) In the case of non-tenure-accruing appointments, except as provided in Subparagraph (f) of this Paragraph, the total of such terms, including all full-time service with the rank of instructor or higher in this institution, shall not exceed seven years, provided that:

[NEW]

- 1) By mutual agreement up to three years full-time service with the rank of instructor or higher at another institution may be counted towards the seven-year period.
- 2) Leaves of absence shall not be counted towards the seven-year period.

[NEW]

3) A faculty member of the rank of assistant professor or higher must be notified in writing no later than June 30 preceding the seventh year of a non-tenure-accruing appointment either that his or her appointment will not be renewed after the seventh year, or that renewal will be in a tenure-accruing probationary status not to exceed three years, with notification of a tenure decision as Provided in Art. IV Sec. A , Paragraph 3(c)(4).

[NEW] e) Except as provided in Subparagraph (f) below, members of the faculty appointed in regular service non-tenure-accruing status prior to the effective date of this Code may at their option continue to serve under the provisions of the Code in effect at the time of initial appointment or may elect to be covered by the provisions of this Code. This option shall be offered to eligible faculty members at the first contract renewal after the effective date of this Code.

[Cf. 3.2(b)] f) Members of the faculty who are stationed at affiliated institutions and assigned to educational programs of the Medical Center may continue to be appointed and/or reappointed to regular service non-tenure-accruing positions without regard to the limitation on re-appointment set out in Subparagraph (d) of this Paragraph.

[NEW] 4. Stated Periods by Rank

a) Instructors

[cont. as in 1980 Code Paragraph 4.1 through Subparagraph (e)]

Professional Ethics and Academic Freedom Committee
December 29, 1980

Defeated January 16, 1981

THE GEORGE WASHINGTON UNIVERSITY

INTERDEPARTMENTAL MEMORANDUM

January 15, 1981

TO: The George Washington University Faculty Senate

FROM: James W. Hillis
Professor of Speech and Director,
Speech-Language Pathology and Audiology Program
Department of Speech and Drama
RE: Faculty Senate Resolution 80/21

Please accept my apologies for not being here in person to present my views on Resolution 80/21. I am committed to an off-campus appointment that was made weeks before the agenda to this meeting was published.

I wish to express grave concern about the possible effects that Resolution 80/21 could have on the ability of graduate and professional programs within the University to interact with established research, professional, and cultural institutions in the Washington area. One of the major attractions of our university to both faculty and students is the opportunity to interact with the wide abundance of research, professional, and cultural facilities in our community. As the faculty of this institution, it seems that we have a responsibility to preserve this opportunity by continuing to make the sharing of joint appointments possible between our university and non-academic institutions in the Washington area.

Senate Resolution 80/21, in its present form, places severe constraints on the ability of the University to interact with other institutions because it limits regular service non-tenure-accruing positions to members of the Medical Center faculty stationed at affiliated institutions. The reason given for this Exemption of Medical Center faculty is "the anomalous character" of the appointments. Assuming "anomalous" is taken to mean "an exception to the general rule," I would take issue with this claim. In our own department, for example, such a condition exists. (See GW Times, Vol. 9, No. 5, Oct./Nov., 1980 - attached; also, The Monday Report, Sept. 29, 1980.) Similar opportunities for joint participation with Washington area institutions must exist in other departments as well. Perhaps many such arrangements are already in force or could be in force at any time in the future, subject to the desires and needs of the academic departments concerned. However, it is only through regular faculty appointments for selected members of affiliated institutions that these affiliations can become a real part of the University.

Should the University at some later date wish to terminate an institutional affiliation, the non-tenure-accruing appointment is the device that would allow such termination to take place. Otherwise, if there should be a disengagement of the affiliation, the appointees would still be tenured to the University.

I wish to recommend, therefore, that proposed Subparagraph (f) for Article IV, Sec. A of the Faculty Code (1980) be replaced by the following:

(f) Members of the faculty who are stationed at institutions maintaining an affiliation with the University by formal memorandum of understanding and whose primary assignments are to post baccalaureate educational programs of the University, may continue to be appointed and/or reappointed to regular service non-tenure-accruing positions without regard to the limitation on reappointment set out in Subparagraph (d) of this Paragraph.

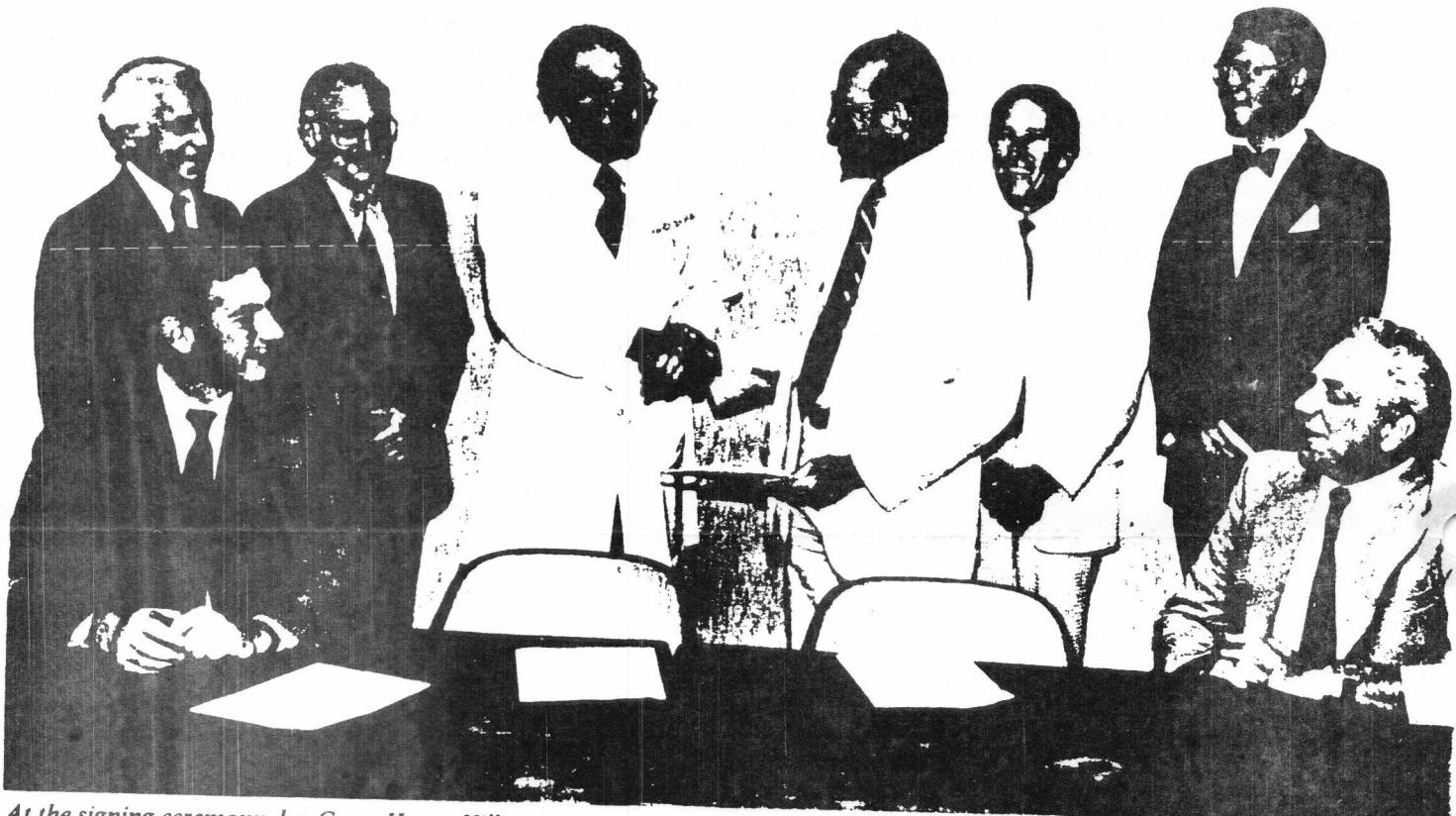
This provision would allow the University to continue to affiliate for post baccalaureate education at a functional level with nonacademic research, professional, and cultural institutions in the Washington area. However, all provisions of Resolution 80/21 would still hold for all faculty appointees who are stationed at the University and/or who are primarily engaged in undergraduate education. Should there be concern that the number or proportion of these proposed affiliate appointments might get out of hand, I suggest that the Faculty Code could be amended to limit departments or colleges to a rather low, fixed percentage of such appointments.


James W. Hillis

bk

the University

GW, Children's Hospital Sign Speech-Language Pact



At the signing ceremony, l-r: Gray, Herer, Hillis, Parrott, Diehl, Bowling, van Roijen and Solomon

George Washington University and Children's Hospital National Medical Center signed a far-reaching agreement September 5, affecting their programs in speech-language pathology and audiology.

Under the agreement:

—Children's Hospital will accept GW graduate-level trainees in speech-language pathology and audiology for on-site supervised training. Consultive services in these fields will be exchanged, with Children's retaining total responsibility for patient care at that institution.

—Both institutions will plan jointly for the development of facilities and programs for higher education in speech-language and

hearing problems. A liaison committee will operate between the two coordinating educational programs.

—Members of Children's hearing and speech center staff who teach courses in its speech pathology and audiology program will be appointed to the GW faculty, subject to approval by authorities at both institutions.

The GW-Children's Hospital agreement will increase GW's program faculty by one-half and double its clinical training capacity, providing GW graduate students with in-depth opportunities in an important area of developmental language disorders. It will enable GW to add significantly to educa-

tional and research activities in children's speech and language within the greater Washington area.

Representing GW at the signing were GW Vice President and Treasurer Charles Diehl; Graduate School Dean Henry Solomon; Dr. Lloyd S. Bowling, professor of speech and hearing and chairman of the speech and drama department; and Dr. James W. Hillis, professor of speech and director of speech pathology and audiology. Representing Children's Hospital were Dr. Robert H. Parrott, professor of child health and development at GW; Dr. Gilbert R. Herer, director of Children's hearing and speech center and GW professor of child health and development; Burton Grainger, member of Children's board of directors; and Peter van Roijen, chairman of Children's hearing and speech committee.

A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF THE FACULTY CODE (80/22)

WHEREAS, under Article IX of the Faculty Code the regular active-status faculty are entitled to play a role in decisions on the appointment and promotion of members of the faculty, and

WHEREAS, presently one of the most important appointment decisions concerns whether a potential appointment will be in tenured, tenure-accruing, or non-tenure-accruing status, and

WHEREAS, this is a decision which properly concerns the faculty of a college or non-departmentalized school as well as the department(s) concerned; therefore:

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

1. That the Procedures for Implementation of the Faculty Code be amended by adding the following as the first numbered paragraph under Section B:
 1. The regular active status faculty of each school, college or comparable educational division shall establish procedures enabling an elected standing committee or committee of the whole to submit its recommendations on the allocation of regular service tenure-accruing appointments within that unit.
 2. That present Paragraphs 1-2-3 under Sec. B be renumbered as Paragraphs 2-3-4, respectively.

Professional Ethics and Academic Freedom Committee
December 29, 1980

Withdrawn January 16, 1981



THE
GEORGE
WASHINGTON
UNIVERSITY

Washington, D.C. 20052 / Department of English / (202) 676-6180

In Memoriam: Robert Whitney Bolwell

The Department of English notes with regret and sorrow the death of its colleague and friend of many years, Robert Whitney Bolwell, Professor Emeritus of American Literature. Trained at Columbia University as a scholar in Elizabethan literature, he came to this University in 1920 and for a decade taught English literature to hundreds of undergraduate and graduate students. Probably he was most proud, however, of the pioneer work he began in American literature and in its eventual offspring, what is now popularly known as American Studies -- pioneer work at a time when the fields were virtually non-existent in the curricula of universities across the nation. The new direction in his career began in 1930, first as a single course for upper-division students, then as a large survey course in the Junior College, next as a major in American Thought and Civilization, then as a master's program in both American literature and American culture. By 1939 his first doctoral student had earned the Ph.D. degree. What began as truly one man's pioneering efforts has by now, fifty years later, burgeoned into a field so large that scholars find it difficult to keep abreast of its bibliography.

It is not so difficult to cite the accomplishments and to identify the milestones in Bobby's remarkable career. More significant, though more difficult to describe, are the qualities of mind and of personality that enabled him to touch so many persons, both students and faculty. colleagues. He was marvelous in the classroom -- witty, colorful, exuberant, sometimes earthy, occasionally profane, but always dramatic, demanding undivided attention. A few students did not like him, most loved him, none were ever lukewarm about him. He could be a hard-driving, hard-hitting taskmaster, seemingly demanding as much from those who worked with him or under him as he demanded of himself. Yet there was a generosity, even a softness, of the inner man. Many turned to him in private emergencies, and none left empty-handed.

This statement is to be incorporated in the minutes of our meeting of this date, 6 January 1981; and we instruct the Chairman to send copies to Mrs. Bolwell, to the Vice President for Academic Affairs, and to the Chairman of the Executive Committee of the Faculty Senate.

January 16, 1981

A RESOLUTION ADDRESSED TO THE FINANCE COMMITTEE OF THE UNITED STATES SENATE ASKING THAT COMMITTEE TO EXEMPT BOOK PUBLISHERS FROM THE APPLICATION OF THE SUPREME COURT RULING IN THE CASE OF THE THOR POWER TOOL COMPANY (80/23)

WHEREAS, The Supreme Court's ruling in the case of the IRS vs. the Thor Power Tool Company no longer allows publishers, for tax purposes, to reduce the value of overstocked titles; and

WHEREAS, the effect of this ruling may force publishers to destroy backlist titles, thereby adversely affecting the academic community's access to previously published material; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That a letter be sent, in the name of the faculty of The George Washington University, to members of the Senate Finance Committee, petitioning the continuance of legislative efforts to exempt publishers from the application of the so-called Thor decision.

Executive Committee of the Faculty Senate
January 6, 1981

COLLEGE BOOKSTORES AND "THOR"

In January, 1979, the Supreme Court ruled in favor of the Internal Revenue Service over the Thor Power Tool Company. What, you might ask, could this ruling on an obscure tax case possibly mean for the College Bookstore?

The ruling directly impacts publishers, who, for tax purposes, are no longer allowed to reduce the value of an overstocked title unless it is sold at a price less than cost or destroyed. The first option is known as remaindering and not a likely option for a specialized, scholarly or professional title. The second option, destroying overstock, will probably be the fate of many of these books.

As discussed in the "World of Books" breakout session at the Fall Regional Meeting, the college bookseller seems to believe that the consequences of this ruling will be a possible publisher reluctance to produce quality titles that are without mass appeal, a reduction in backlist titles, more restrictive return policies (as evidenced by Harcourt, Brace, Jovanovich, Inc.), difficulty in obtaining re-orders, and a decrease in the number of small publishers. If these fears become reality, the structure of the college text and trade business will certainly be altered.

But, there is hope. Senator Patrick Moynihan is trying to exempt publishers from the "Thor" ruling. According to a Moynihan staff member, the Senator is presently attempting to attach a rider to a tax or an appropriation bill in this Congressional session. The rider would prevent the IRS from using funds for the purpose of requiring publishers to change their inventory accounting methods. If a bill, to which this rider is attached, passes, it would only be effective for 1980.

Senator Nelson of Wisconsin has introduced Bill S 2805 that would prevent the IRS from applying the "Thor" ruling retroactively. Moynihan is a co-sponsor of this bill. However, bill S 2805 is attached to this year's proposed tax cut and will probably not be considered.

Senator Moynihan also plans to introduce new legislation which would permanently exempt publishers from the "Thor" ruling. Although it may be introduced in the current session, it probably will not be acted on until the 1981 session. The AAP has conducted a survey to help support this new legislation. However, the results are not yet complete.

When the new legislation is acted on, it will probably be referred to the Finance Committee. Because of several senatorial defeats in the last election, new members must be appointed to this Committee. If you oppose "Thor", contact the members of the Finance Committee by phone and letter and encourage them to co-sponsor Senator Moynihan's legislation.

HBJ's NEW POLICY

Harcourt, Brace, Jovanovich will be implementing an improved discount schedule and "no returns" policy for Trade titles beginning January 1, 1981. If you have not received the information in the mail, it can be found in an upcoming issue of PUBLISHER'S WEEKLY.

As of this printing, no decision has been made regarding a special returns policy for trade titles which are used as text.

TO: ALL DEANS AND DEPT. CHAIRMEN

These are two articles that appeared in the December 1980 Middle Atlantic College Stores Newsletter.

The first article "College Bookstore and "Thor"" will give you a summary of what has been done to publishers by the IRS. It explains the impact that this ruling can have on the Bookstores and in turn to the academic programs of Colleges and Universities. It is important to understand that most Textbooks could be considered "Backlist Titles" since they are printed in quantities that give a few years supply availability.

I am requesting that you join the Bookstores and Publishers in our request of change in the "Thor ruling". If you would please phone or write the Senate Finance Committee after Jan. 1, 1981. Senator Robert Dole, Chairman Dirksen Senate Office Bldg R. 227 Washington, D.C. 20510 Phone a/c 202-224-4515 It may help all of us.

The second article is just another indicator of what is happening in the publishing business. We hope that we will be able to work with HBJ in Textbooks but we will have to take more care in our ordering so we can keep our left over books to a minimum.

In spite of this memo have a good Holiday.



Monroe Hurwitz
Bookstore Manager

P.S. I would appreciate your posting or distributing this to your faculty.

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

The Faculty Senate

January 6, 1981

The Faculty Senate will meet on Friday, January 16, 1981, at 2:10 p.m., in the Faculty Conference Room on the Sixth Floor of Lisner Hall.

AGENDA

1. Call to order
2. Minutes of the regular meeting of December 12, 1980
3. Resolutions:
 - (a) A RESOLUTION OF APPRECIATION TO THE MELVIN GELMAN FAMILY (80/20); Professor Guido E. Mazzeo, Chairman, Library Committee (resolution attached)
 - (b) A RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO NON-TENURE-ACCRUING APPOINTMENTS (80/21) with accompanying Special Report; Professor William B. Griffith, Chairman, Professional Ethics and Academic Freedom Committee (resolution and report attached)
 - (c) A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF THE FACULTY CODE (80/22) with accompanying Special Report; Professor William B. Griffith, Chairman, Professional Ethics and Academic Freedom Committee (resolution and report attached)
4. Introduction of Resolutions
5. General Business:
 - (a) Nomination for election of the Nominating Committee for the Executive Committee for the 1981-82 Session: Professors Russell B. Stevenson, Jr., Convener (Law); Galip M. Arkilic (Engineering); John G. Boswell (Education); Richard A. Kenney (Medical); Frederick C. Kurtz (SGBA); Lilien F. Robinson (Columbian College); and Stefan O. Schiff (Columbian College)
 - (b) Nomination for election of a Special Mediation Committee in the complaint of Associate Professor Nicholas Kyriakopoulos against the Personnel Committee of the Department of Electrical Engineering and Computer Science, SEAS (nominations to be made by the Executive Committee)
 - (c) Report of the Executive Committee: Professor Peter P. Hill, Chairman
 - (d) Interim Reports of Senate Standing Committees
6. Brief Statements
7. Adjournment



Robert Gebhardtsbauer
Secretary

A RESOLUTION OF APPRECIATION TO THE MELVIN GELMAN FAMILY (80/20)

The Faculty Senate of The George Washington University, on motion of Professor Guido E. Mazzeo, Chairman, Committee on the Library, and on behalf of the entire faculty of the University, by this resolution expresses its profound appreciation for the vision and generosity of the late Melvin Gelman and of his family. By their endowment of the Melvin Gelman Library as a major center of research and teaching, they have provided the foundation for the University's ongoing commitment to the increase of knowledge and a deepening of understanding.

Library Committee
December 8, 1980

A RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO NON-TENURE-ACCRUING APPOINTMENTS (80/21)

WHEREAS, the provisions of the Faculty Code (1980) with respect to faculty appointments to regular service non-tenure-accruing positions inadequately protect the professional rights and status of faculty in those positions, and

WHEREAS, the continuation of sharply defined differences in status between regular service faculty members implies the likelihood of increasing problems of morale and collegiality to the detriment of the educational mission of the University; therefore:

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Faculty Code (1980) be amended by substituting in Article IV, Sec. A for the present Paragraphs 3.1-3.2 and 4.1-4.2 (pp.6-8), the following new Paragraphs 3 and 4:

[IV. Appointment, Reappointment, Tenure, and Promotion]

[A. Appointment and Tenure. . .]

3. Regular Service Appointments

[Cf. 3.2(a)] a) Letters of appointment to positions that will not normally lead to the consideration of the appointee for tenure shall include a statement to that effect.

[Cf. 3.1(a)] b) All appointments or reappointments to regular active status positions shall be for a specified term except for those that confer tenure.

c) In the case of tenure-accruing probationary appointments, the total of such terms, including. . .[continued as in 3.1.(b)]

- 1) Leaves of absence. . .[cont. as in 3.1.(b)(1)]
- 2) Leaves for study. . .[cont. as in 3.1.(b)(2)]
- 3) A faculty member with more. . .[cont. as in 3.1.(b)(3)]
- 4) A faculty member of the rank. . .[cont. as in 3.1.(c)]

[NEW] d) In the case of non-tenure-accruing appointments, except as provided in Subparagraph (f) of this Paragraph, the total of such terms, including all full-time service with the rank of instructor or higher in this institution, shall not exceed seven years, provided that:

[NEW]

- 1) By mutual agreement up to three years full-time service with the rank of instructor or higher at another institution may be counted towards the seven-year period.
- 2) Leaves of absence shall not be counted towards the seven-year period.

[NEW]

3) A faculty member of the rank of assistant professor or higher must be notified in writing no later than June 30 preceding the seventh year of a non-tenure-accruing appointment either that his or her appointment will not be renewed after the seventh year, or that renewal will be in a tenure-accruing probationary status not to exceed three years, with notification of a tenure decision as Provided in Art. IV Sec. A , Paragraph 3(c)(4).

[NEW]

e) Except as provided in Subparagraph (f) below, members of the faculty appointed in regular service non-tenure-accruing status prior to the effective date of this Code may at their option continue to serve under the provisions of the Code in effect at the time of initial appointment or may elect to be covered by the provisions of this Code. This option shall be offered to eligible faculty members at the first contract renewal after the effective date of this Code.

[Cf. 3.2(b)] f) Members of the faculty who are stationed at affiliated institutions and assigned to educational programs of the Medical Center may continue to be appointed and/or reappointed to regular service non-tenure-accruing positions without regard to the limitation on re-appointment set out in Subparagraph (d) of this Paragraph.

[NEW] 4. Stated Periods by Rank

a) Instructors

[cont. as in 1980 Code Paragraph 4.1 through Subparagraph (e)]

Professional Ethics and Academic Freedom Committee
December 29, 1980

A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF THE FACULTY CODE (80/22)

WHEREAS, under Article IX of the Faculty Code the regular active-status faculty are entitled to play a role in decisions on the appointment and promotion of members of the faculty, and

WHEREAS, presently one of the most important appointment decisions concerns whether a potential appointment will be in tenured, tenure-accruing, or non-tenure-accruing status, and

WHEREAS, this is a decision which properly concerns the faculty of a college or non-departmentalized school as well as the department(s) concerned; therefore:

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

1. That the Procedures for Implementation of the Faculty Code be amended by adding the following as the first numbered paragraph under Section B:
 1. The regular active status faculty of each school, college or comparable educational division shall establish procedures enabling an elected standing committee or committee of the whole to submit its recommendations on the allocation of regular service tenure-accruing appointments within that unit.
2. That present Paragraphs 1-2-3 under Sec. B be renumbered as Paragraphs 2-3-4, respectively.

Professional Ethics and Academic Freedom Committee
December 29, 1980

SPECIAL REPORT TO THE FACULTY SENATE ACCOMPANYING RESOLUTIONS (80/21 & 80/22)

by

COMMITTEE ON PROFESSIONAL ETHICS AND ACADEMIC FREEDOM

December 29, 1980

I. INTRODUCTION

The resolutions which this report accompanies propose to modify and/or supplement those provisions of the Faculty Code and Procedures for Implementation (1980) which deal with regular service non-tenure-accruing faculty appointments.

The problematic aspects of the approach taken by the present Code, contained in certain provisions recommended by the Administration and adopted by the Board of Trustees without the usual processes of consultation with the Faculty Senate, have been analyzed in some detail in the February 18, 1980 "Report to the Faculty Senate on Non-Tenure-Accruing Appointments" from this Committee. The approach recommended here by your Committee represents a compromise developed after several years of close study of the multitude of conflicting interests, values and principles which bear on this problem. Any compromise is likely to strike many as falling short of a perfect solution, but a recognition of the diversity of strongly held views on this subject, as well as the lack of predictability of the future course of this and all universities, should be kept in mind in assessing the acceptability of this proposal.

II. ASSUMPTIONS AND ARGUMENTS ON WHICH THE COMMITTEE APPROACH IS GROUNDED

The assumptions and arguments on which the Committee's approach in these Resolutions is grounded may be briefly summarized in the following way, anticipating further development in floor debate.

First, it is the Committee's position that the principles on which new appointees are associated with the permanent faculty are of interest and concern to the whole faculty and not just those affected by the recent change. As is commonly recognized in philosophy and in law, the technical formulae which stipulate appointment and dismissal procedures may be thought of as expressing a conception of the professional status of members of the faculty. Hence, if some members of the faculty, in scholarly qualification and promise otherwise indistinguishable from their colleagues, were to be subject to hiring and firing as mere employees, the professional status of all the faculty would be affected. Of course faculty are employees of the institution and hence subject to economic controls and inducements; but faculty are also, as the University declared through counsel in joining the Amici Curiae brief in NLRB v. Yeshiva U., in "a 'joint enterprise' with the faculty and administration of the entity exercising 'joint authority'." It is the Committee's position that the present permissibility of quick termination or indefinite extension without commitment of some regular service faculty appointments resolves this tension between the faculty as employees and faculty as collectively professional co-managers of the University, too far in direction of the first, and requires modification.

Second, the Committee finds no compelling reason to abandon the policy which has until recently governed our regular service faculty appointments, of seeking to protect professional independence to teach and inquire from serious external constraints and pressures by offering continuous employment or tenure after the expiration of a probationary period. On the other hand, the committee also assumes that we are for the immediately foreseeable future in a situation in which (a) student interests in courses and programs of study may change significantly over relatively short time intervals, and (b) in which little or no growth makes it difficult to allocate resources to new needs without shifting them from present uses. The issue which remains, however, is how the risks which any potential retrenchment poses will be reconciled with principled protection of academic freedom.

The Committee's position is that the present sharp division between the majority of faculty who are well protected and a minority who have little or no protection violates fundamental principles of fairness, and hence requires modification. It is therefore the Committee's proposal that the prospective situation of new appointees be brought as close to those of the favored or protected class as is feasible, given the conditions outlined just above.

It will be the contention of the Committee that moving in the direction outlined in the accompanying resolutions will not only improve fairness and accord appropriate professional recognition to full-service faculty but should also contribute to reduction of severe morale problems to be anticipated from the preservation of a two-track or two-class faculty, which would make it difficult for faculty in non-tenure-accruing positions to participate fully in the management of the University.

III. THE STRATEGY OF THE RESOLUTIONS

The approach which the Committee recommends as a way of mediating the various conflicting tensions outlined above may be summarized in the following way. If it be necessary for the University, in the interests of flexibility, to make some regular service faculty appointments with a minimal commitment to the individual involved because of the tentative nature of the position, this administrative freedom should be conditioned in two important ways: first, the faculty of the school should be involved (ordinarily through a representative committee) in deciding whether a tenure-accruing or non-tenure-accruing appointment is justified; and second, if a non-tenure-accruing appointment is made, after six years the University is obliged to review the position and decide whether experience shows that a tenure-accruing appointment may now be offered, or whether earlier expectations were unjustified. If the former, a three-year tenure-accruing appointment may be offered the individual; if not, a one-year terminal appointment. In either case, the individual faculty member involved knows that he/she will not be kept dangling on a short rope forever for the convenience of the University. A negative decision at the end of six years presumably will not reflect adversely on the individual involved because the decision was made on the need for the position. On the other hand, the faculty member knows that if he/she is kept on, after three more years a decision will be made on the basis of individual worthiness to receive tenure.

If this approach, as recommended in IV.A.3(d) together with the second resolution to change the Procedures for Implementation, is accepted, then a pair of further changes are recommended to mitigate adverse effects. IV.A.3(e) is proposed as a "grandfather" clause to protect the rights of those appointed to non-tenure-accruing positions under the present Code to continue under those provisions if they

so wish by exercising an option to that effect at their next contract renewal. IV.A.3(f) proposes to exempt faculty members stationed at institutions affiliated with the Medical Center from the new provisions because of the anomalous character of those appointments. (However, the Committee has tentatively decided to respond affirmatively to requests to review at a later date the general status of faculty appointments at such affiliated institutions.)

IV. CONCLUSION

The Committee has tried to construct a solution to the problems involved in making regular faculty appointments which protect our historically evolved academic freedom and professional status and rights of faculty without eliminating the flexibility the University now needs to survive as an institution in a rapidly changing environment. Although the compromise offered may be imperfect, the Committee is convinced that only some approach which similarly attempts to protect the diverse interests, principles and values involved can possibly hope to attract the support of a substantial portion of the University community. And it is clear enough that no solution will work at all well without the cooperation of most of those involved.

(NOTE: Source materials used in preparation of this report included "The A.A.U.P.'s General Declaration of Principles, 1915," reprinted in Hoftstadter and Smith, American Higher Education: A Documentary History, vol. II (1961); Kadish, "The Theory of the Profession and its Predicament," 58 AAUP Bulletin (1972) 120; Metzger (ed.), The Constitutional Status of Academic Tenure (1977); NLRB v. Yeshiva University, U.S., Decided February 20, 1980, and Brief of Johns Hopkins University, New York University, Northeastern University and The George Washington University, Amici Curiae, in that case.)

RESPECTFULLY SUBMITTED,



William B. Griffith, Chairman, (Philosophy)
Professional Ethics and Academic Freedom Committee

Members of the Committee:

Aschheim, Joseph, Economics
Burks, James F., Romance Languages
Gilmore, Charles M., CMEE
Kaiser, Paula (Emeritus)
Nimer, Benjamin, Political Science
Platt, Mark M., Neurology
Ravenscroft, Kent, Psychiatry
Silber, Tomas J., Child Health & Development
Zenoff, Elyce, Law
ex officio: Linton, Calvin D., Dean, Columbian
College of Arts and Sciences

A RESOLUTION TO AMEND THE STUDENT GRIEVANCE PROCEDURES OF THE
"GUIDE TO STUDENT RIGHTS AND RESPONSIBILITIES" (80/17)

WHEREAS, Section II-F of the Student Grievance Procedures directs:
"The effectiveness and fairness of these procedures shall be reviewed by an appropriate committee of the Faculty Senate four years after becoming the official policy of the University with any recommended revisions to be brought before the Faculty Senate"; and

WHEREAS, the four years will have passed by January of 1981; and

WHEREAS, several difficulties and omissions in the existing procedures have been identified during their implementation since 1977; and

WHEREAS, Marianne R. Phelps, Assistant Provost for Affirmative Action, has proposed in her letters of October 17 and 24, 1980, several changes to correct these deficiencies in the Student Grievance Procedures; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That Dr. Phelps' letters of October 17 and 24, 1980, relating to Student Grievance Procedures, be accepted in the form of a report to the Faculty Senate; and
- (2) That the Faculty Senate approve the changes in the text of the document known as "Student Grievance Procedures" which are specified in those two letters. (See attachments.)

Joint Committee of Faculty and Students
November 21, 1980

THE GEORGE WASHINGTON UNIVERSITY
INTERDEPARTMENTAL MEMORANDUM

October 17, 1980

TO: Dr. Peter Hill
Chairman of the Executive Committee
of the Faculty Senate
11/11/80 M.R.P.
FROM: Dr. Marianne R. Phelps
Assistant Provost for Affirmative Action
RE: Student Grievance Procedures

The purpose of this memorandum is to provide information for the review of the Student Grievance Procedures which was specified by the Faculty Senate at the time the Senate voted to recommend adoption of the procedures.

Use of the Student Grievance Procedures

Since their adoption the grievance procedures have been invoked on three occasions. Two individuals alleged discrimination on the basis of race; one discrimination on the basis of national origin. Two students alleged their termination from their academic programs was discriminatory. In both instances Grievance Review Committees found the terminations to have been based on academic grounds and consistent with the policies of the schools. The third complaint was made against a department for failing to award the student an assistantship. This complaint was resolved at the stage of mediation.

Four additional students and one student group have contacted me to discuss bringing grievances. Two of these students asked me to mediate the dispute rather than file formal complaints. A third student filed his complaint with the District of Columbia Office of Human Rights which found for the University. The fourth student did not file a formal complaint.

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Four additional students and one student group have contacted me to discuss bringing grievances. Two of these students asked me to mediate the dispute rather than file formal complaints. A third student filed his complaint with the District of Columbia Office of Human Rights which found for the University. The fourth student did not file a formal complaint.

The student group which sought to use the Student Grievance Procedures was Womanspace which alleged the Student Association Finance Committee had discriminated in the amount of funds it recommended for the group. The Student Grievance Procedures do not provide adequately for such a complaint. In addition, GWUSA guidelines specified the Student Court as the body to hear complaints arising from the funding process. John Perkins and I attempted to get representatives of Womanspace and the Finance Committee to agree on a way the complaint could be resolved. Failing in that effort, I requested University Counsel's opinion on which procedures should be offered to Womanspace. He recommended that the University offer the Student Court.

Womanspace then filed a complaint with the Office for Civil Rights (OCR) of the Department of Education. OCR concluded that Title IX of the Education Amendments of 1972 requires the University to amend its Student Grievance Procedures to permit individuals and/or groups to bring complaints against students and/or student groups in those situations where they are acting in an official capacity for the University. The University has agreed to make the revision and to supply OCR with an amended document by December 2, 1980.

Revisions to the Student Grievance Procedures

Since the Grievance Procedures were adopted, the Senate has recommended four revisions which have been incorporated into the document. Handicap was added to the list of protected classes. Other revisions provided for Department Heads, Deans and Vice Presidents to disqualify themselves because of prior knowledge and directed the Assistant Provost for Affirmative Action to provide copies of the findings of the Grievance Review Committees to both parties.

In considering revision, it is important to take cognizance of the fact that with the exception noted previously the OCR has informed the University that the Student Grievance Procedures are adequate. Substantive changes in the procedures might not be acceptable to the civil rights agency.

The following addition to the Student Grievance Procedures is recommended to comply with OCR's interpretation of the requirements of Title IX:

DELETE: F. The effectiveness and fairness of these procedures shall be reviewed by an appropriate committee of the Faculty Senate four years after becoming the official policy of the University with any recommended revisions to be brought before the Faculty Senate. This review requirement, however, does not preclude revision of these procedures during the four year period.

ADD: F. Individuals and/or registered student organizations who feel they have been discriminated against by chartered student organizations as they act to carry out responsibilities specifically delegated to them by the Board of Trustees or the President may charge the organization under these procedures. Individuals who feel they have been discriminated against by having been denied the rights and privileges of membership in registered student organizations may also charge the registered student organization under these procedures. University policy permits campus organizations that are social fraternal groups to limit membership on the basis of sex and sectarian groups to limit membership on the basis of religion.

A faculty member or administrator having administrative responsibility relating to the group being charged shall be appointed by the Assistant Provost for Affirmative Action to carry out the functions assigned to the department chairman outlined in IIC. Grievance Review Committees for the student organizational matters shall consist of one faculty member, one administrator, and two students.

The addition specified by OCR is contained in the first sentence. The second sentence would enable individuals to challenge what they might regard as discrimination in the membership practices of registered groups. By way of background, in 1968 the University adopted a Human Relations Act prohibiting discrimination on the basis of race, color, and creed in campus organizations and specifying procedures for adjudicating complaints. In 1976 the University adopted a policy prohibiting recognition of single sex organizations with the exception of social fraternities and sororities. Age and handicap should be added as protected classes, and in my judgement the Student Grievance procedures should be used to resolve complaints of discrimination in membership practices.

Providing the same procedures simplifies the process. In addition, it is likely that, in the event of a complaint regarding membership practices, OCR would take the same position as they did in the complaint of Woman-space.

Aside from the revision required by the OCR, I see only a few weaknesses in the Student Grievance Procedures. The first is the composition of the student panel. All three students who have invoked the procedures thus far have been graduate students. Despite efforts of the Student Association Presidents to nominate diverse groups, the student panels have been made up almost solely of undergraduates, predominately freshmen and sophomores. If the graduate and professional schools are to have confidence in the process, it is important that there be students enrolled in graduate and professional schools available to serve on the panels.

Another difficulty with the student panels is in the timing of their appointment. Given the number of appointments the president of GWUSA must make in a short period of time at the end of the Spring semester, it has been difficult to get the student panels appointed by July 1 of each year. This leaves a period of time during which no Grievance Review Committees can be appointed. On the one occasion when a grievance arose during the summer, only four students had been appointed to the panel and none of these students were in Washington for the summer.

One other change in the panels appears warranted. In the light of experience, it is feasible to reduce the size of the faculty and student panels from fifteen to ten.

The following revised section is suggested to address the problems described above:

Section IIE3 Committee members will be selected from among a panel of ten faculty members selected by the Faculty Senate, ten students selected by the George Washington University Student Association, and five administrators selected by the Vice President for Administration. At least five students named to the panel shall be enrolled in programs at the graduate level. Appointments to the panel shall be made for one year from July 1 to June 30. Appointments are renewable. The Assistant Provost for Affirmative Action will select the Committee members for each review and will appoint one of the members to serve as Chairperson. In the event panel members are not available to serve, the Assistant Provost for Af-

Affirmative Action shall have the authority to appoint committee members from the appropriate constituency from outside of the panels. Upon the request of the Chairperson, the Assistant Provost for Affirmative Action shall serve as adviser to the Review Committee.

I would be happy to provide whatever assistance I can as the Senate undertakes its review.

THE GEORGE WASHINGTON UNIVERSITY
INTERDEPARTMENTAL MEMORANDUM

October 24, 1980

TO: Members of the Joint Committee of Faculty and Students
Marianne R. Phelps
FROM: Marianne R. Phelps
Assistant Provost for Affirmative Action

After preliminary talks with Dr. Hill, the Judicial Committee, and the Joint Committee, I am suggesting two further changes to the Student Grievance Procedures:

Add to proposed Section IIE3, 12th line following the word panels: "to hear a particular grievance."

Add new Section G:

The Faculty Senate and the Joint Committee of Faculty and Students shall be consulted before any revisions are made to these procedures.

A RESOLUTION TO AMEND FURTHER THE STUDENT GRIEVANCE PROCEDURES
OF THE "GUIDE TO STUDENT RIGHTS AND RESPONSIBILITIES" (80/18)

WHEREAS, the Joint Committee of Faculty and Students wishes to amend
further the text and format of the Student Grievance
Procedures; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That Section F of the Student Grievance Procedures
(as and if adopted under Senate Resolution 80/17)
be placed under Section I.B. which addresses the types
of discrimination complaints handled under those
Procedures; and
- (2) That Section G (as and if adopted under Senate
Resolution 80/17) be amended to add the Student
Association to the Faculty Senate and the Joint
Committee as a body that shall be consulted before
any revisions are made to the Procedures; and
- (3) That if the new Section F is included elsewhere in
the document, Section G be changed to Section F.

Joint Committee of Faculty and Students
November 21, 1980

A RESOLUTION ON TUITION BENEFITS (80/19)

WHEREAS, full remission of undergraduate tuition at the University is provided for legally-dependent children of full-time members of the faculty; and

WHEREAS, some faculty do not make use of the undergraduate tuition benefit; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That in the event that said faculty do not utilize the undergraduate tuition benefit for their legally-dependent children, these benefits may be applied towards tuition in the University's graduate and professional programs.

Committee on Appointment, Salary and
Promotion Policies (including Fringe Benefits)
November 14, 1980

